THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

–

WRIT PETITION No.17956 of 2002

DATE:16-08-2005

Between:

Sudumalla Srihari S/o. Kattaiah,

aged 30 years, Occ: Agriculture,

R/o. Ladella Village, Atmakur Mandal,

Warangal District. **... PETITIONER**

AND

The Warangal District Cooperative

Central Bank Ltd., Subedari,

Hanamkonda, Warangal District

& another **... RESPONDENTS**

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

–

W.P. No.17956 OF 2002

–

ORDER:

The petitioner obtained a loan of Rs.2,97,000/- from the Primary Agricultural Co-operative Society, Kogilvai, in the year 1999 for the purpose of purchasing a tractor for agricultural purpose. He accordingly purchased the tractor bearing No.AP-36F-9430 with the said loan amount repayable in nine yearly instalments @ Rs.69,220/-. The petitioner claims to have paid the instalments regularly for the years 1999, 2000 and 2001 and paid nearly Rs.2,00,000/- to the bank. He admittedly did not pay the instalment for the year 2002, in view of the severe drought at that time.

Respondents seized the petitioner's tractor on 26-06-2002 and kept the same in the custody of the 1st respondent and the sale notice, dated 06-08-2002, was issued for sale of the tractor in the auction to be held on 12-08-2002.

This Court while admitting the writ petition on 18-09-2002, directed the respondents to release the tractor in favour of the petitioner subject to payment of Rs.25,000/- to the 1st respondent. That order is still subsisting as on the day. Therefore, the question of seizure of the tractor and putting the same for sale at this point of time for recovery of arrears of the instalment amount for the year 2002 does not arise. Recovery of further amounts, if any, due from the petitioner shall be in accordance with law.

The respondents are, accordingly, directed not to seize the tractor of the petitioner bearing No.AP-36F-9430, provided he has already paid the amount of Rs.25,000/- as directed by this Court by order, dated 18-09-2002.

The respondents shall be at liberty to recover the amount, if any, due from the petitioner towards instalments, in accordance with law.

The Writ Petition is accordingly disposed of without any order as to costs.

_____

B. SUDERSHAN REDDY, J

Date:16-08-2005.

PV